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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,942	08/07/2006	Takeyoshi Iguchi	56232.166	9730
7590 Cameron Kerrigan Squire Sanders & Dempsey Suite 300 One Maritime Plaza San Francisco, CA 94111-3492				
			EXAMINER AKHAVANNIK, HADI	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 08/13/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,942

Applicant(s)

IGUCHI, TAKEYOSHI

Examiner

HADI AKHAVANNIK

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 8/7/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstenn et al. (2003/0063794, referred to as "Ru" herein) in view of Bazin (7006657, referred to as "Ba" herein).

Regarding claim 1, Ru discloses a facial image processing system for conducting an image process onto a photographed facial image, comprising (see the abstract and figure 1b, which discloses altering a face):

a changing means which is at least one of a facial expression changing means to change an expression of a photographed facial image; a skin color tone changing means to change the color tone of facial skin of the photographed facial image; an illumination changing means to artificially change a lighting condition of the photographed facial image; and a photo angle changing means to artificially change the photo angle of the photographed facial image; an image processing means to conduct image processing on the photographed facial image (see paragraphs 58-64 which discloses altering the skin tone);

an image display means to display photographed facial image and the changed facial images (see figure 4a, item s170, which disclose displaying the image. Figure 5 also discloses this feature.);

and an operation means to select the changing means and the changed facial image (see figure 7 and paragraph 55 which allows for user interaction);

Ru does not explicitly disclose displayed in order of degree of change.

Ba discloses that the changes can be displayed on the image display means in an-order from a small changed facial image to a large changed facial image (see figure 4 and column 11 lines 40-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Ru the ordered display as taught by Ba. The reason for the combination is because it allows the user to quickly make a choice from the samples by examining his or her options in a distinguishable and easy to scan order. Further, both inventions are from the same field of endeavor of facial image processing.

Regarding claim 3, Ru discloses a transparent touching operation means which is adhered onto an image display surface of the image display means; and a facial image shifting means to shift any changed facial image among the plural changed facial images displayed by the image display means, via an indicating operation through the transparent touching operation means, so as to be adjacent to the other changed facial images (see figure 7 and paragraphs 154 of Ru, which discloses a touch screen display that gives the user options to select) .

Regarding claims 5-7, Ba discloses selecting a prescribed facial image in column 13 lines 37-50. Ba also discloses printing, storing, and transmitting the information in column 11 lines 25-35 which discloses a printer, modem, and floppy disks.

2. Claims 2, 4, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstenn et al. (2003/0063794, referred to as "Ru" herein) in view of Bazin (7006657, referred to as "Ba" herein) and in further view of Marschner et al. (7098920, referred to as "Ma" herein).

Regarding claim 2, the rejection of claim 1 discloses all aspects of claim 2 except for selecting two changing means.

Note that Ba discloses having both horizontal and vertical display in figures 4 and 6.

In addition to the skin tone changing in the rejection of claim 1, Ma discloses facial expression altering figure 4 and column 7 lines 28-63).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Ru and Ba the facial expression changing as taught by Ma. The reason for the combination is because it allows a user to change the expressions of a person in a photograph in a realistic manner.

Regarding claim 4, Ru discloses a transparent touching operation means which is adhered onto an image display surface of the image display means; and a facial image shifting means to shift any changed facial image among the plural changed facial

images displayed by the image display means, via an indicating operation through the transparent touching operation means, so as to be adjacent to the other changed facial images (see figure 7 and paragraphs 154 of Ru, which discloses a touch screen display that gives the user options to select) .

Regarding claims 8-11, Ba discloses selecting a prescribed facial image in column 13 lines 37-50. Ba also discloses printing, storing, and transmitting the information in column 11 lines 25-35 which discloses a printer, modem, monitor, and floppy disks.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mancuso et al. (6256414) and Patton et al. (6396599) both disclose changing features in a photographic image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI AKHAVANNIK whose telephone number is (571)272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

HA
8/11/09